

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<u>DIANE BELOFF and LELAND BELOFF,</u>	:	
Plaintiffs,	:	
	:	<b>CIVIL ACTION</b>
v.	:	
	:	<b>NO. 13-100</b>
<u>SEASIDE PALM BEACH,</u>	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 11th day of July 2013, upon consideration of Defendant Seaside Palm Beach, LLC's Motion to Dismiss (Doc. No. 21), and Plaintiffs' response in opposition there to, and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part** as follows:

1. The Motion is **GRANTED** as to Plaintiffs' requests for punitive damages; the requests for punitive damages (Counts III and IV) are **DISMISSED without prejudice**. Plaintiff is granted leave to file an amended complaint with factual allegations which, if proven, could support an award of punitive damages, **within 14 days** of the date of this Order. In the absence of an amended complaint, Defendant shall file its answer within 21 days of the date of this Order. If an amended Complaint is filed, the response to the amended complaint is due within 21 days of the filing of the amended complaint.

2. The Motion is **DENIED** in all other respects.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.